

By: Landgraf

H.B. No. 736

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to eliminating the requirement to use public school  
3 assessment instruments as a criterion for promotion or graduation  
4 or to make certain accountability determinations.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 18.005(c), Education Code, is amended to  
7 read as follows:

8 (c) A Job Corps diploma program shall:

21 (4) [require that students enrolled in the diploma  
22 program satisfy the requirements of Section 39.025 before receiving  
23 a diploma under this chapter; and

[5] comply with a requirement imposed under this

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1 title or a rule adopted under this title relating to the Public  
2 Education Information Management System (PEIMS) to the extent  
3 necessary to determine compliance with this chapter, as determined  
4 by the commissioner.

5 SECTION 2. Section 18.006(b), Education Code, is amended to  
6 read as follows:

7 (b) In addition to other factors determined to be  
8 appropriate by the commissioner, the accountability system must  
9 include consideration of [+]

10 [+(1) student performance on the end-of-course  
11 assessment instruments required by Section 39.023(c); and

12 [+(2)] dropout rates, including dropout rates and  
13 diploma program completion rates for the grade levels served by the  
14 diploma program.

15 SECTION 3. Section 19.0043(b), Education Code, is amended  
16 to read as follows:

17 (b) A student may graduate and receive a diploma from a  
18 Windham School District educational program if:

19 (1) the student successfully completes the curriculum  
20 requirements identified by the State Board of Education under  
21 Section 28.025(a) [and complies with Section 39.025]; or

22 (2) the student successfully completes the curriculum  
23 requirements under Section 28.025(a) as modified by an  
24 individualized education program developed under Section 29.005.

25 SECTION 4. Section 25.005(b), Education Code, is amended to  
26 read as follows:

27 (b) A reciprocity agreement must:

1                             (1) address procedures for:  
2                                 (A) transferring student records; and  
3                                 (B) awarding credit for completed course work;  
4 and  
5                                 [(C) permitting a student to satisfy the  
6 requirements of Section 39.025 through successful performance on  
7 comparable end-of-course or other exit-level assessment  
8 instruments administered in another state; and]  
9                             (2) include appropriate criteria developed by the  
10 agency.

11                             SECTION 5. Section 28.006(j), Education Code, is amended to  
12 read as follows:

13                             (j) No more than 15 percent of the funds certified by the  
14 commissioner under Subsection (i) may be spent on indirect costs.  
15 The commissioner shall evaluate the programs that fail to meet the  
16 standard of performance under Section 39.301(c)(6) [39.301(c)(5)]  
17 and may implement interventions or sanctions under Chapter 39A.  
18 The commissioner may audit the expenditures of funds appropriated  
19 for purposes of this section. The use of the funds appropriated for  
20 purposes of this section shall be verified as part of the district  
21 audit under Section 44.008.

22                             SECTION 6. Section 28.021(c), Education Code, is amended to  
23 read as follows:

24                             (c) In determining promotion under Subsection (a), a school  
25 district shall consider:  
26                                 (1) the recommendation of the student's teacher;  
27                                 (2) the student's grade in each subject or course; and

1                   (3) [the student's score on an assessment instrument  
2 administered under Section 39.023(a), (b), or (l), to the extent  
3 applicable; and

4                   [4] any other necessary academic information, as  
5 determined by the district.

6       SECTION 7. The heading to Section 28.0211, Education Code,  
7 is amended to read as follows:

8       Sec. 28.0211. [SATISFACTORY PERFORMANCE ON ASSESSMENT  
9 INSTRUMENTS REQUIRED,] ACCELERATED INSTRUCTION.

10     SECTION 8. Sections 28.0211(a-1), (c), (d), (g), (i), and  
11 (k), Education Code, are amended to read as follows:

12     (a-1) Each time a student fails to perform satisfactorily on  
13 an assessment instrument administered under Section 39.023(a) [in  
14 the third, fourth, fifth, sixth, seventh, or eighth grade], the  
15 school district in which the student attends school shall provide  
16 to the student accelerated instruction in the applicable subject  
17 area. Accelerated instruction may require participation of the  
18 student before or after normal school hours and may include  
19 participation at times of the year outside normal school  
20 operations.

21     (c) [Each time a student fails to perform satisfactorily on  
22 an assessment instrument specified under Subsection (a), the school  
23 district in which the student attends school shall provide to the  
24 student accelerated instruction in the applicable subject area,  
25 including reading instruction for a student who fails to perform  
26 satisfactorily on a reading assessment instrument. After a student  
27 fails to perform satisfactorily on an assessment instrument a

1 ~~second time, a grade placement committee shall be established to~~  
2 ~~prescribe the accelerated instruction the district shall provide to~~  
3 ~~the student before the student is administered the assessment~~  
4 ~~instrument the third time. The grade placement committee shall be~~  
5 ~~composed of the principal or the principal's designee, the~~  
6 ~~student's parent or guardian, and the teacher of the subject of an~~  
7 ~~assessment instrument on which the student failed to perform~~  
8 ~~satisfactorily. The district shall notify the parent or guardian~~  
9 ~~of the time and place for convening the grade placement committee~~  
10 ~~and the purpose of the committee.] An accelerated instruction~~  
11 ~~group administered by a school district under this section may not~~  
12 ~~have a ratio of more than 10 students for each teacher.~~

13           (d) In addition to providing accelerated instruction to a  
14 student under Subsection (a-1) [~~(c)~~], the district shall notify the  
15 student's parent or guardian of:

16           (1) the student's failure to perform satisfactorily on  
17 the assessment instrument; and

18           (2) the accelerated instruction program to which the  
19 student is assigned[; and

20           [~~(3) the possibility that the student might be~~  
21 ~~retained at the same grade level for the next school year~~].

22           (g) This section does not preclude the retention at a grade  
23 level, in accordance with state law or school district policy, of a  
24 student who performs satisfactorily on an assessment instrument  
25 [specified under Subsection (a)].

26           (i) The admission, review, and dismissal committee of a  
27 student who participates in a district's special education program

1 under Subchapter A, Chapter 29, and who does not perform  
2 satisfactorily on an assessment instrument [~~specified under~~  
3 ~~Subsection (a) and~~] administered under Section 39.023(a) or (b)  
4 must meet before the student is administered the assessment  
5 instrument for the second time. The committee shall determine [+] [  
6 ~~(1)~~] the manner in which the student will participate  
7 in an accelerated instruction program under this section [+, and  
8 ~~(2) whether the student will be promoted in~~  
9 ~~accordance with Subsection (i-1) or retained under this section~~].

10 (k) The commissioner shall adopt rules as necessary to  
11 implement this section[, including rules concerning when school  
12 districts shall administer assessment instruments required under  
13 this section and which administration of the assessment instruments  
14 will be used for purposes of Section 39.054].

15 SECTION 9. Sections 28.025(b-7), (c), and (e), Education  
16 Code, are amended to read as follows:

17 (b-7) The State Board of Education, in coordination with the  
18 Texas Higher Education Coordinating Board, shall adopt rules to  
19 ensure that a student may comply with the curriculum requirements  
20 under the foundation high school program or for an endorsement  
21 under Subsection (c-1) by successfully completing appropriate  
22 courses in the core curriculum of an institution of higher  
23 education under Section 61.822. Notwithstanding Subsection (b-15)  
24 or (c) [~~of this section, Section 39.025,~~] or any other provision of  
25 this code and notwithstanding any school district policy, a student  
26 who has completed the core curriculum of an institution of higher  
27 education under Section 61.822, as certified by the institution in

1 accordance with commissioner rule, is considered to have earned a  
2 distinguished level of achievement under the foundation high school  
3 program and is entitled to receive a high school diploma from the  
4 appropriate high school as that high school is determined in  
5 accordance with commissioner rule. A student who is considered to  
6 have earned a distinguished level of achievement under the  
7 foundation high school program under this subsection may apply for  
8 admission to an institution of higher education for the first  
9 semester or other academic term after the semester or other  
10 academic term in which the student completes the core curriculum.

11 (c) A person may receive a diploma if the person is eligible  
12 for a diploma under Section 28.0251. In other cases, a student may  
13 graduate and receive a diploma only if:

14 (1) the student successfully completes the curriculum  
15 requirements identified by the State Board of Education under  
16 Subsection (a) [~~and complies with Section 39.025~~]; or

17 (2) the student successfully completes an  
18 individualized education program developed under Section 29.005.

19 (e) Each school district shall report the academic  
20 achievement record of students who have completed the foundation  
21 high school program on transcript forms adopted by the State Board  
22 of Education. [~~The transcript forms adopted by the board must be~~  
~~designed to clearly identify whether a student received a diploma~~  
~~or a certificate of coursework completion.~~]

25 SECTION 10. Section 28.0255(g), Education Code, is amended  
26 to read as follows:

27 (g) A student is entitled to a high school diploma if the

1 student [~~+~~

2           [~~(1)~~] successfully complies with the curriculum  
3 requirements specified under Subsection (e) [~~; and~~  
4           [~~(2) performs satisfactorily, as determined by the~~  
5 ~~commissioner under Subsection (h), on end-of-course assessment~~  
6 ~~instruments listed under Section 39.023(c) for courses in which the~~  
7 ~~student was enrolled~~].

8           SECTION 11. Section 29.062(a), Education Code, is amended  
9 to read as follows:

10           (a) The legislature recognizes that compliance with this  
11 subchapter is an imperative public necessity. Therefore, in  
12 accordance with the policy of the state, the agency shall evaluate  
13 the effectiveness of programs under this subchapter based on the  
14 achievement indicators adopted under Section 39.053(c) [~~, including~~  
15 ~~the results of assessment instruments~~]. The agency may combine  
16 evaluations under this section with federal accountability  
17 measures concerning students of limited English proficiency.

18           SECTION 12. Section 29.081(b-1), Education Code, is amended  
19 to read as follows:

20           (b-1) Each school district shall offer before the next  
21 scheduled administration of the assessment instrument, without  
22 cost to the student, additional accelerated instruction to each  
23 student in any subject in which the student failed to perform  
24 satisfactorily on an end-of-course assessment instrument listed in  
25 Section 39.023(c) [~~required for graduation~~].

26           SECTION 13. Section 29.087(1), Education Code, is amended  
27 to read as follows:

1                 (1) The commissioner may revoke a school district's or  
2 open-enrollment charter school's authorization under this section  
3 after consideration of relevant factors, including [performance of  
4 ~~students participating in the district's or school's program on~~  
5 ~~assessment instruments required under Chapter 39,~~] the percentage  
6 of students participating in the district's or school's program who  
7 complete the program and perform successfully on the high school  
8 equivalency examination[+] and other criteria adopted by the  
9 commissioner. A decision by the commissioner under this subsection  
10 is final and may not be appealed.

11                 SECTION 14. Sections [29.259\(g\)](#), (i), and (o), Education  
12 Code, are amended to read as follows:

13                 (g) A person who is at least 19 years of age and not more  
14 than 50 years of age is eligible to enroll in the adult education  
15 program under this section if the person has not earned a high  
16 school equivalency certificate and:

17                         (1) has failed to complete the curriculum requirements  
18 for high school graduation; or

19                         (2) has failed to perform satisfactorily on an  
20 assessment instrument that, before the 2019-2020 school year, was  
21 required for high school graduation.

22                 (i) A charter granted under this section must:

23                         (1) include a description of the adult education  
24 program to be offered under this section; and

25                         (2) establish specific, objective standards for  
26 receiving a high school diploma, including[+]

27                         [+] successful completion of:

1                   (A) [~~(i)~~] if applicable to the program  
2 participant, the curriculum requirements under Section **28.025**; or  
3                   (B) [~~(ii)~~] the appropriate curriculum  
4 requirements applicable to the program participant ~~, and~~  
5                   ~~[(B) satisfactory performance on the~~  
6 ~~standardized secondary exit-level assessment instrument described~~  
7 ~~by Subsection (c)]~~.

8                 (o) The commissioner shall develop and adopt performance  
9 frameworks that establish standards by which to measure the  
10 performance of an adult high school program operated under a  
11 charter granted under this section in a manner consistent with the  
12 requirements provided for an open-enrollment charter school under  
13 Sections **12.1181**(a) and (b). The commissioner shall include in the  
14 performance frameworks adopted under this subsection the following  
15 performance indicators:

16                 (1) ~~[the percentage of program participants who~~  
17 ~~performed satisfactorily on the standardized secondary exit-level~~  
18 ~~assessment instrument described by Subsection (c);~~

19                 ~~[2]~~ the percentage of program participants who  
20 successfully completed the high school program and earned a high  
21 school diploma;

22                 (2) ~~[+3]~~ the percentage of program participants who  
23 successfully completed career and technology education courses and  
24 obtained industry certification;

25                 (3) ~~[+4]~~ the percentage of program participants who  
26 have enrolled in an institution of higher education or private or  
27 independent institution of higher education, as those terms are

1 defined under Section [61.003](#); and

2                 (4) [+] the percentage of program participants who  
3 earned a wage, salary, or other income increase that was  
4 significant as determined and reported by the Texas Workforce  
5 Commission.

6                 SECTION 15. Section [29.402\(c\)](#), Education Code, is amended  
7 to read as follows:

8                 (c) A public junior college under this section shall:

9                     (1) design a dropout recovery curriculum that includes  
10 career and technology education courses that lead to industry or  
11 career certification;

12                     (2) integrate into the dropout recovery curriculum  
13 research-based strategies to assist students in becoming able  
14 academically to pursue postsecondary education, including:

15                             (A) high quality, college readiness instruction  
16 with strong academic and social supports;

17                             (B) secondary to postsecondary bridging that  
18 builds college readiness skills, provides a plan for college  
19 completion, and ensures transition counseling; and

20                             (C) information concerning appropriate supports  
21 available in the first year of postsecondary enrollment to ensure  
22 postsecondary persistence and success, to the extent funds are  
23 available for the purpose;

24                     (3) offer advanced academic and transition  
25 opportunities, including dual credit courses and college  
26 preparatory courses, such as advanced placement courses; and

27                     (4) coordinate with each partnering school district to

1 provide in the articulation agreement that the district retains  
2 accountability for student attendance and ~~[~~] student completion of  
3 high school course requirements~~[, and student performance on~~  
~~assessment instruments]~~ as necessary for the student to receive a  
5 diploma from a high school of the partnering school district.

6 SECTION 16. Section 30.021(e), Education Code, is amended  
7 to read as follows:

8 (e) The school shall cooperate with public and private  
9 agencies and organizations serving students and other persons with  
10 visual impairments in the planning, development, and  
11 implementation of effective educational and rehabilitative service  
12 delivery systems associated with educating students with visual  
13 impairments. To maximize and make efficient use of state  
14 facilities, funding, and resources, the services provided in this  
15 area may include conducting a cooperative program with other  
16 agencies to serve students who have graduated from high school by  
17 completing all academic requirements applicable to students in  
18 regular education~~[, excluding satisfactory performance under~~  
19 ~~Section 39.025,~~] who are younger than 22 years of age on September 1  
20 of the school year and who have identified needs related to  
21 vocational training, independent living skills, orientation and  
22 mobility, social and leisure skills, compensatory skills, or  
23 remedial academic skills.

24 SECTION 17. Section 30.104(b), Education Code, is amended  
25 to read as follows:

26 (b) A student may graduate and receive a diploma from a  
27 department educational program if:

1                             (1) the student successfully completes the curriculum  
2 requirements identified by the State Board of Education under  
3 Section 28.025(a) [and complies with Section 39.025]; or

4                             (2) the student successfully completes the curriculum  
5 requirements under Section 28.025(a) as modified by an  
6 individualized education program developed under Section 29.005.

7               SECTION 18. Section 32.258(b), Education Code, is amended  
8 to read as follows:

9                             (b) The system established under Subsection (a) shall  
10 provide a means for a student or the student's parent or other  
11 person standing in parental relationship to track the student's  
12 progress on end-of-course assessment instruments administered  
13 under Section 39.023(c) [instrument requirements for graduation].

14               SECTION 19. Section 37.008(m), Education Code, is amended  
15 to read as follows:

16                             (m) The commissioner shall adopt rules necessary to  
17 evaluate annually the performance of each district's disciplinary  
18 alternative education program established under this subchapter.  
19 The evaluation required by this section shall be based on  
20 indicators defined by the commissioner[, but must include student  
21 performance on assessment instruments required under Sections  
22 39.023(a) and (e)]. Academically, the mission of disciplinary  
23 alternative education programs shall be to enable students to  
24 perform at grade level.

25               SECTION 20. Section 39.023(c-2), Education Code, is amended  
26 to read as follows:

27                             (c-2) The agency may adopt end-of-course assessment

1 instruments for courses not listed in Subsection (c). A student's  
2 performance on an end-of-course assessment instrument adopted  
3 under this subsection is not subject to any [~~the~~] performance  
4 requirements [~~established under Subsection (c) or Section 39.025~~].

5 SECTION 21. The heading to Section 39.025, Education Code,  
6 is amended to read as follows:

7 Sec. 39.025. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT  
8 [~~SECONDARY-LEVEL PERFORMANCE REQUIRED~~].

9 SECTION 22. Section 39.025(a), Education Code, is amended  
10 to read as follows:

11 (a) The commissioner shall adopt rules requiring a student  
12 in the foundation high school program under Section 28.025 to be  
13 administered an end-of-course assessment instrument listed in  
14 Section 39.023(c) only for a course in which the student is enrolled  
15 and for which an end-of-course assessment instrument is  
16 administered. Each student's performance on an end-of-course  
17 assessment instrument shall be evaluated to determine whether the  
18 [A] student achieved [is required to achieve] a scale score that  
19 indicates satisfactory performance, as determined by the  
20 commissioner under Section 39.0241(a) [~~, on each end-of-course~~  
21 ~~assessment instrument administered to the student~~]. The results of  
22 the administration of an end-of-course assessment instrument  
23 required under this subsection may not be used as criteria for  
24 graduation. The results may be used only for the purpose of  
25 diagnosing the academic strengths and deficiencies of a student and  
26 guiding specific instruction to the student. [For each scale score  
27 required under this subsection that is not based on a 100-point

1 ~~scale scoring system, the commissioner shall provide for~~  
2 ~~conversion, in accordance with commissioner rule, of the scale~~  
3 ~~score to an equivalent score based on a 100-point scale scoring~~  
4 ~~system. A student may not receive a high school diploma until the~~  
5 ~~student has performed satisfactorily on end-of-course assessment~~  
6 ~~instruments in the manner provided under this subsection. This~~  
7 ~~subsection does not require a student to demonstrate readiness to~~  
8 ~~enroll in an institution of higher education.]~~

9 SECTION 23. Section 39.034(d), Education Code, is amended  
10 to read as follows:

11 (d) The agency shall determine the necessary annual  
12 improvement required each year for a student to be prepared to  
13 perform satisfactorily on, as applicable:

14 (1) the grade five assessment instruments;  
15 (2) the grade eight assessment instruments; and  
16 (3) the end-of-course assessment instruments listed  
17 in Section 39.023(c) [~~required under this subchapter for~~  
18 ~~graduation~~].

19 SECTION 24. Section 39.053(c), Education Code, as amended  
20 by Chapters 807 (H.B. 22), 842 (H.B. 2223), and 1088 (H.B. 3593),  
21 Acts of the 85th Legislature, Regular Session, 2017, is reenacted  
22 and amended to read as follows:

23 (c) School districts and campuses must be evaluated based on  
24 three domains of indicators of achievement adopted under this  
25 section that include:

26 (1) in the student achievement domain, indicators of  
27 student achievement that must include:

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(A) for evaluating the performance of districts  
and campuses generally, [÷

3 [ (i) ] an indicator that accounts for the  
4 percentage of students promoted to the next grade level ~~results of~~  
5 ~~assessment instruments required under Sections 39.023(a), (c), and~~  
6 ~~(1), as applicable for the district and campus, including the~~  
7 ~~results of assessment instruments required for graduation retaken~~  
8 ~~by a student, aggregated across grade levels by subject area,~~  
9 ~~including:~~

[a] for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

15 [ (b) for the college readiness  
16 performance standard as determined under Section 39.0241, the  
17 percentage of students who performed satisfactorily on the  
18 assessment instruments, aggregated across grade levels by subject  
19 area; and

20 [ (ii) an indicator that accounts for the  
21 results of assessment instruments required under Section  
22 39.023(b), as applicable for the district and campus, including the  
23 percentage of students who performed satisfactorily on the  
24 assessment instruments, as determined by the performance standard  
25 adopted by the agency, aggregated across grade levels by subject  
26 area]; and

(B) for evaluating the performance of high school

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1 campuses and districts that include high school campuses,  
2 indicators that account for:

(iii) students who earn dual course credits  
in the dual credit courses;

13 (iv) students who enlist in the armed  
14 forces of the United States;

15 (v) students who earn industry  
16 certifications;

17 (vi) students admitted into postsecondary  
18 industry certification programs that require as a prerequisite for  
19 entrance successful performance at the secondary level;

20 (vii) students whose successful completion  
21 of a course or courses under Section [28.014](#) indicates the student's  
22 preparation to enroll and succeed, without remediation, in an  
23 entry-level general education course for a baccalaureate degree or  
24 associate degree;

25 (viii) students who successfully met  
26 standards on a composite of indicators that through research  
27 indicates the student's preparation to enroll and succeed, without

1 remediation, in an entry-level general education course for a  
2 baccalaureate degree or associate degree;

3 (ix) high school graduation rates, computed  
4 in accordance with standards and definitions adopted in compliance  
5 with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)  
6 subject to the exclusions provided by Subsections (g), (g-1),  
7 (g-2), and (g-3);

8 (x) students who successfully completed an  
9 OnRamps dual enrollment course; [and]

10 (xi) [~~the percentage of~~] students who  
11 successfully completed a practicum or internship approved by the  
12 State Board of Education; and

13 (xii) students who are awarded an associate  
14 [~~associate's~~] degree;

15 (2) in the school progress domain, indicators for  
16 effectiveness in promoting student learning, which must include[+]

17 [~~(A) for assessment instruments, including~~  
18 ~~assessment instruments under Subdivisions (1)(A)(i) and (ii), the~~  
19 ~~percentage of students who met the standard for improvement, as~~  
20 ~~determined by the commissioner, and~~

21 [~~(B) for evaluating relative performance,~~] the  
22 performance of districts and campuses compared to similar districts  
23 or campuses; and

24 (3) in the closing the gaps domain, the use of  
25 disaggregated data to demonstrate the differentials among students  
26 from different racial and ethnic groups, socioeconomic  
27 backgrounds, and other factors, including:

- 1                             (A) students formerly receiving special  
2 education services;  
3                             (B) students continuously enrolled; and  
4                             (C) students who are mobile.

5         SECTION 25. Section [39.054](#)(b-1), Education Code, is amended  
6 to read as follows:

7                             (b-1) Consideration of the effectiveness of district  
8 programs under Section [39.052](#)(b)(2)(B) or (C):

- 9                             (1) must [~~+~~  
10                             ~~[(A)]~~ be based on data collected through the  
11 Public Education Information Management System (PEIMS) for  
12 purposes of accountability under this chapter; and  
13                             ~~[(B)] include the results of assessments required~~  
14 ~~under section [39.023](#), and]~~

15                             (2) may be based on the results of a special  
16 accreditation investigation conducted under Section [39.057](#).

17         SECTION 26. Section [39.055](#), Education Code, is amended to  
18 read as follows:

19         Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT  
20 IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY  
21 PURPOSES. Notwithstanding any other provision of this code except  
22 to the extent otherwise provided under Section [39.053](#)(g-3), for  
23 purposes of determining the performance of a school district,  
24 campus, or open-enrollment charter school under this chapter, a  
25 student ordered by a juvenile court into a residential program or  
26 facility operated by or under contract with the Texas Juvenile  
27 Justice Department, a juvenile board, or any other governmental

1 entity or any student who is receiving treatment in a residential  
2 facility is not considered to be a student of the school district in  
3 which the program or facility is physically located or of an  
4 open-enrollment charter school, as applicable. The performance of  
5 such a student on an ~~assessment instrument or other~~ achievement  
6 indicator adopted under Section [39.053](#) or reporting indicator  
7 adopted under Section [39.301](#) shall be determined, reported, and  
8 considered separately from the performance of students attending a  
9 school of the district in which the program or facility is  
10 physically located or an open-enrollment charter school, as  
11 applicable.

12 SECTION 27. Sections [39.301](#)(c) and (d), Education Code, are  
13 amended to read as follows:

14 (c) Indicators for reporting purposes must include:  
15 (1) the percentage of graduating students who meet the  
16 course requirements established by State Board of Education rule  
17 for:

18 (A) the foundation high school program;  
19 (B) the distinguished level of achievement under  
20 the foundation high school program; and  
21 (C) each endorsement described by Section  
22 [28.025\(c-1\)](#);

23 (2) the results of the SAT, ACT, and certified  
24 workforce training programs described by Chapter [311](#), Labor Code;

25 (3) the percentage of students, aggregated by grade  
26 level and subject area, who satisfy each performance standard under  
27 Section [39.0241](#) on assessment instruments required under:

1                             (A) Section 39.023(a); and

2                             (B) Section 39.023(c);

3                             (4) for students who have failed to perform  
4 satisfactorily, under each performance standard under Section  
5 39.0241, on an assessment instrument required under Section  
6 39.023(a) or (c), the performance of those students on subsequent  
7 assessment instruments required under those sections, aggregated  
8 by grade level and subject area;

9                             (5) [4] for each campus, the number of students,  
10 disaggregated by major student subpopulations, that take courses  
11 under the foundation high school program and take additional  
12 courses to earn an endorsement under Section 28.025(c-1),  
13 disaggregated by type of endorsement;

14                             (6) [5] the percentage of students, aggregated by  
15 grade level, provided accelerated instruction under Section  
16 28.0211 [28.0211(c), the results of assessment instruments  
17 administered under that section, the percentage of students  
18 promoted through the grade placement committee process under  
19 Section 28.0211], the subject of the assessment instrument on which  
20 each student failed to perform satisfactorily under each  
21 performance standard under Section 39.0241, and the performance of  
22 those students in the following school year [following that  
23 promotion] on the assessment instruments required under Section  
24 39.023;

25                             (7) [6] the percentage of students of limited  
26 English proficiency exempted from the administration of an  
27 assessment instrument under Sections 39.027(a)(1) and (2);

1               (8) [←7]) the percentage of students in a special  
2 education program under Subchapter A, Chapter 29, assessed through  
3 assessment instruments developed or adopted under Section  
4 39.023(b);

5               [~~(8) the percentage of students who satisfy the~~  
6 ~~college readiness measure,~~]

7               (9) the measure of progress toward dual language  
8 proficiency under Section 39.034(b), for students of limited  
9 English proficiency, as defined by Section 29.052;

10              (10) the percentage of students who are not  
11 educationally disadvantaged;

12              (11) the percentage of students who enroll and begin  
13 instruction at an institution of higher education in the school  
14 year following high school graduation; and

15              (12) the percentage of students who successfully  
16 complete the first year of instruction at an institution of higher  
17 education without needing a developmental education course.

18              (d) Performance on the indicators described by Section  
19 39.053(c) and Subsections (c)(3), (4), (5), and (9) must be based on  
20 longitudinal student data that is disaggregated by the bilingual  
21 education or special language program, if any, in which students of  
22 limited English proficiency, as defined by Section 29.052, are or  
23 former students of limited English proficiency were enrolled. If a  
24 student described by this subsection is not or was not enrolled in  
25 specialized language instruction, the number and percentage of  
26 those students shall be provided.

27              SECTION 28. Section 39.305(b), Education Code, is amended

1 to read as follows:

2                 (b) The report card shall include the following  
3 information:

4                         (1) where applicable, the achievement indicators  
5 described by Section [39.053\(c\)](#) and the reporting indicators  
6 described by Sections [39.301\(c\)\(1\)](#) through (6) [~~(5)~~];

7                         (2) average class size by grade level and subject;

8                         (3) the administrative and instructional costs per  
9 student, computed in a manner consistent with Section [44.0071](#); and

10                         (4) the district's instructional expenditures ratio  
11 and instructional employees ratio computed under Section [44.0071](#),  
12 and the statewide average of those ratios, as determined by the  
13 commissioner.

14                 SECTION 29. Section [39.332\(b\)\(20\)](#), Education Code, is  
15 amended to read as follows:

16                         (20) The report must contain a comparison of the  
17 performance of open-enrollment charter schools and school  
18 districts on the achievement indicators described by Section  
19 [39.053\(c\)](#) and [~~T~~] the reporting indicators described by Section  
20 [39.301\(c\)](#), [~~and the accountability measures adopted under Section~~  
21 ~~[39.053\(i\)](#)~~] with a separately aggregated comparison of the  
22 performance of open-enrollment charter schools predominantly  
23 serving students at risk of dropping out of school, as described by  
24 Section [29.081\(d\)](#), with the performance of school districts.

25                 SECTION 30. Effective September 1, 2019, the following  
26 provisions of the Education Code are repealed:

27                         (1) Section [19.0043\(c\)](#);

1                             (2) Section 21.4551(c);  
2                             (3) Sections 28.0211(a), (a-2), (b), (e), (f), (i-1),  
3 (i-2), (n), (o), and (p);  
4                             (4) Section 28.025(d);  
5                             (5) Section 28.0255(h);  
6                             (6) Section 29.259(c);  
7                             (7) Section 30.104(c);  
8                             (8) Section 39.0231;  
9                             (9) Sections 39.025(a-1), (a-4), (b), (c), (c-1),  
10 (c-2), (d), (e), (f), (f-1), (f-2), and (g);  
11                             (10) Section 39.025(a-2), as added by Chapter 1036  
12 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015;  
13 and  
14                             (11) Sections 39.053(c-2), (c-3), (d), and (d-1).

15                             SECTION 31. To the extent of any conflict, this Act prevails  
16 over another Act of the 86th Legislature, Regular Session, 2019,  
17 relating to nonsubstantive additions to and corrections in enacted  
18 codes.

19                             SECTION 32. This Act applies beginning with the 2019-2020  
20 school year.

21                             SECTION 33. Except as otherwise provided by this Act, this  
22 Act takes effect immediately if it receives a vote of two-thirds of  
23 all the members elected to each house, as provided by Section 39,  
24 Article III, Texas Constitution. If this Act does not receive the  
25 vote necessary for immediate effect, this Act takes effect  
26 September 1, 2019.